IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3672 OF 2004.
IN
CRIMINAL REVISION APPLICATION NO. 468 OF 2003.

Vilas Hiralal Kale & anr. ... Applicants.
Versus.
The State of Maharashtra & ors. ... Respondents.

Shri Rahul S.Kate for the Applicants.
Ms.S.D.Shinde, A.P.P. for the Respondent No.1.
Shri R.D.Suryavanshi for Respondent No.2 & 3.

CORAM : ABHAY S. OKA, J.

DATED : 28th June, 2005.

P.C.:

1. This Application is made by the Applicants in Criminal Revision Application No.468 of 2003. The Applicants have been convicted for offences punishable under section 307 read with section 34 of the Indian Penal Code. The learned Assistant Sessions Judge sentenced the Applicants to undergo R.I. for five years and to pay fine of Rs.1000/-. The Appeal preferred by the Applicants to the Sessions Court has been dismissed and in the Revision challenge is to the said Judgments and Orders. The Respondent No.2 herein is the person injured as a result of the offence and the Respondent No.3 is the complainant.

2. This application is filed under section 320(5) of the Code of Criminal Procedure, 1973, for compounding the offence as parties have amicably settled the dispute out of Court. There are separate affidavits filed on

record by the Respondent No.2 and Respondent No.3. The said affidavits are taken on record and marked as "X" and "Y" for identification. In the said affidavits it is stated that there is an amicable settlement between the Applicant and the Respondents Nos.2 and 3. It is stated that they are related closely to each other and they are residing in the village Natepute peacefully and without any quarrel. In the affidavit they have set out their no objection for compounding the offence. The learned Counsel appearing for the Respondents Nos.2 and 3 states that the Respondents Nos.2 and 3 are personally present in the Court and they have no objection if the Application made by the Applicant is allowed. Shri Kate appearing for the Applicant states that the Applicants are also present in Court.

3. It is obvious that the Application under section 320(5) is not maintainable as offence punishable under section 307 cannot be compounded.

4. In view of the statement made by the parties, I have taken up the Criminal Revision Application for hearing forthwith and the same has been dispose of by a separate order. In view of this position, this Criminal Application is disposed of.

Judge.